

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 21663 of 2022**

**Badrika Kushal & Ors.**

**....**

**Petitioners**

Mr. P. Sahu, Adv.

- Versus -

**State of Odisha & Ors.**

**.... Opposite Parties**

Mr. N.K. Praharaj, Addl. Govt. Advocate

**CORAM:-**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**10.10.2022**

**Order No.**  
**02.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners.
3. The petitioners are working in newly created Anganwadi Centers in SOPAN blocks (Mini Anganwadi Centers) in the district of Baragarh. It is their case that they are engaged on remuneration of Rs.5,375/- per month, whereas Anganwadi Workers of Additional Anganwadi Centers under SOPAN Scheme are paid remuneration of Rs.7,500/- per month. It is their further case that the work of an Anganwadi Worker is the same as that of a Mini Anganwadi Worker. Further the Anganwadi Worker has the benefit of assistance of a helper, whereas the Mini Anganwadi Worker has to perform all the works on her own. The petitioners therefore, claim parity in the remuneration.

Feeling aggrieved by the inaction of the opposite party authorities in considering their grievance, the petitioners had approached this Court in W.P.(C) No.39273 of 2021. By order dated 20.12.2021, this Court disposed of the writ application directing the Commissioner-cum-Secretary in the Department of Women and Child Development and Mission Shakti, Government of Odisha to consider the representation submitted by the petitioners and to pass appropriate

orders in accordance with law. Pursuant to such order of this Court, the Commissioner-cum-Secretary (opposite party no.1) considered the representation submitted by the petitioners but vide order dated 16.03.2022 rejected the same on the ground that Mini Anganwadi Workers are entitled to get the honorarium as per their status only.

4. It is submitted by learned counsel for the petitioners that the grievance as put forth by the petitioners in their representation has not been considered in proper perspective by the Commissioner before rejecting the same. The fact that parity as claimed by the petitioners is on the ground that the nature of work of Mini Anganwadi Workers and that of Anganwadi Workers is one and the same, has not been taken into account by the Commissioner in the impugned order.

5. Mr. N.K. Praharaj, learned Addl. Government Advocate, on the other hand, has contended that the matter of remuneration is within the realm of policy of the Government and therefore, the same need not been interfered with. That apart, the remuneration is fixed by the Government of India and the Government of Odisha only provides additional honorarium.

6. After perusing the representation submitted by the petitioners, which is enclosed as Annexure-4 to the present writ petition, it is observed that the claim for parity has been made firstly on the ground that the nature of work of Mini Anganwadi Workers is the same as that of Anganwadi Workers of other Centers. Secondly, it has been contended that while Anganwadi Workers are assisted in their work by helpers, no such assistance is available to the Mini Anganwadi Workers, for which they have to execute all the Schemes of the Government on their own. A reading of the impugned order reveals that the representation was rejected mainly on the ground that the honorarium is fixed by the Government of India and the State Government provides

additional honorarium. Evidently, the similarity in nature of work and the fact that the Mini Anganwadi Workers do not have any assistance of helper have not been considered by the Commissioner, though they appear to be relevant facts. Further, even though the Government of India fixes the honorarium, the State Government provides additional honorarium. For the above reason therefore, the impugned order cannot be said to have been passed on a comprehensive consideration of all relevant facts and hence, deserves interference.

7. For the foregoing reasons therefore, the writ petition is disposed of by quashing the impugned order dated 16.03.2022 and by remitting the matter to the opposite party no.1 to consider the representation submitted by the petitioners afresh particularly, with regard to the claim of parity in remuneration based on similarity of the nature of work as also the absence of any assistance to the Mini Anganwadi Workers in the discharge of their duties. The representation shall be disposed of by passing a lawful order by opposite party no.1 within a period of four weeks. It is made clear that this Court has not expressed any opinion on the merits of the case.

8. The writ petition is disposed of.

9. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*